

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCHAWN JAMES CRUZE,

Plaintiff,

v.

BERNIE WARNER, et al.

Defendants.

CASE NO. C13-5220 BHS-JRC

ORDER DENYING
PLAINTIFF'S MOTION FOR
RECONSIDERATION

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1, MJR 3, and MJR 4.

Plaintiff sought leave to amend his complaint to name supervisory personnel based on the actions of their subordinates (ECF No. 29). The Court denied the motion because the theory of *respondeat superior* does not support liability against a supervisor (*id.*). Plaintiff asks the Court to reconsider an order denying leave to amend the complaint (ECF No. 41).

In his motion for reconsideration, plaintiff cites to two cases where the defendants were cities (ECF No. 41). Cities are considered persons under the civil rights act, but to hold a

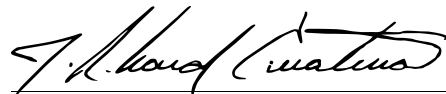
1 municipality liable, plaintiff must show that a custom or policy of the municipality played a role
2 in the violation of his rights. *City of Canton v. Harris*, 489 U.S. 378, 385 (1989). Plaintiff's
3 reliance on municipality liability cases in this action is misplaced because this action does not
4 involve a city as a defendant.

5 Motions for reconsideration are disfavored under this Court's Local Rules. *See*, Local
6 Rule 7(h) which states:

7 *Standard.* Motions for reconsideration are disfavored. The court will ordinarily
8 deny such motions in the absence of a showing of manifest error in the prior
9 ruling or a showing of new facts or legal authority which could not have been
brought to its attention earlier with reasonable diligence.

10 The Court has reviewed the pleadings and finds no error in its prior ruling. The Court
11 DENIES plaintiff's motion for reconsideration.

12 Dated this 24th day of July, 2013.

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15 J. Richard Creatura
16 United States Magistrate Judge
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